

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|-----------------------------------|---|--------------------------------------|
| DAVID WATTIE-BEY, | : | CIVIL ACTION NO. 1:14-CV-1769 |
| | : | |
| Plaintiff | : | (Chief Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| MODERN RECOVERY SOLUTIONS, | : | |
| | : | |
| Defendant | : | |

ORDER & JUDGMENT

AND NOW, this 30th day of March, 2016, upon consideration of the report (Doc. 42) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court grant the motion (Doc. 31) for summary judgment filed by defendant Modern Recovery Solutions, wherein Judge Saporito opines that plaintiff David Wattie-Bey (“Wattie-Bey”) fails to demonstrate a genuine dispute of material fact with respect to his statutory claims for alleged violations of the Telephone Consumer Protection Act, 42 U.S.C. § 227 and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*, and his common law claim for intrusion upon seclusion, and further opines that Modern Recovery Solutions is entitled to Rule 56 judgment on each of Wattie-Bey’s three claims, (see Doc. 42), and the court noting that Wattie-Bey has filed an objection (Doc. 43) to the report, wherein he contends that the magistrate judge erred by relying on affidavits submitted by Modern Recovery Solutions in support of its motion because the statements therein were not made in court and are thus necessarily hearsay, (id.), and, following a *de novo* review of the contested portions

of the report, see Behar v. Pa. Dep't of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing 28 U.S.C. § 636(b)(1)(C); Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)), and applying a clear error standard to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court finding Judge Saporito's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Wattie-Bey's objection to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 42) of Magistrate Judge Saporito is ADOPTED.
2. Modern Recovery Solutions' motion (Doc. 31) for summary judgment is GRANTED.
3. Judgment is ENTERED in favor of Modern Recovery Solutions and against Wattie-Bey on all counts of Wattie-Bey's complaint.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania